REMARKS/ARGUMENT

Applicant responds herein to the Office Action dated October 23, 2001.

The requested Figure 1 annotated with the legend "Prior Art" is now properly enclosed.

Substantively, claims 1-6 and 8 stand rejected on grounds of obviousness over Stout, in view of Beckham and Horton, claim 7 stands rejected on grounds of obviousness over the references applied to claim 1, with or without Hasuo. Reconsideration is requested in view of the following remarks.

Initially, it is the applicant's position that the mirror section recited to have been treated to reduce glare in claim 1 (prior to its Amendment hereof), necessarily implies that it is not opaque, i.e., that it is still reflective in a sense that one can see an image of an object therein. That follows from claim 1, because claim 1 refers to a mirror element. If a mirror element is painted over with an opaque paint, that portion so painted is not a "mirror" surface. Only those sections of the mirror surface that reflect can be properly referred to as being part of the "mirror surface".

Nonetheless, since the Examiner contends that the applicant is arguing limitations from the specification, claim 1 has been amended to recite what applicant believes was implicit therein all along. Thus, this amendment does introduce any new issue, let alone new matter.

As previously noted and reiterated herein, the primary Beckham reference does not deal with a mirror element. Rather, it deals with an otherwise transparent vehicular window, where clearly it is desirable to see straight through the window pane in order to provide the driver visual access to the area in front of the vehicle. It is commonly known to tint the upper portion of a vehicle windshield to reduce glare. There is no teaching to treat a mirror to reduce glare. A windshield is not a mirror.

The conventional wisdom and the intuitive approach would have suggested that any portion of a mirror that produces glare should be painted over with an opaque color, or that surface should not be provided at all. This is quite different from the windshield of a vehicle where one must provide the viewing area that will allow the vehicle to be driven safely. Not so at all with a mirror element. If a certain section produces glare, than it does not belong and should not be part of the mirror.

The usual considerations for vehicles do not apply in the case of the present application, because the applicants have recognized that the conventional wisdom should be departed from because they intended the claimed mirror to be used with school buses, where these specialized mirrors are used while the vehicle is at a standstill and where the driver must be able to see a wider area, even if the mirror would produce glare while the bus is being driven. And the solution that the applicant has evolved, is to treat those areas that produce glare, while still providing a reflective surface. In other words, the claimed mirror is not opaque as the prior art.

An Information Disclosure Statement including a reference that has come to the attention of applicant's undersigned representative is enclosed.

It is believed that the claims in the application define over the prior art.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on December 24, 2001

Max Moskowitz
Name of applicant, assignee or Registered Representative

Signature

December 24, 2001
Date of Signature

MM:cg

Respectfully submitted,

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APPENDIX A

"CLEAN" VERSION OF EACH PARAGRAPH/SECTION/CLAIM
37 C.F.R. § 1.121(b)(ii) AND (c)(i)

CLAIMS (with indication of amended or new):

1. (Amended) A mirror assembly providing a wide angle field of view both in a horizontal and a vertical direction along the front and at least one side of a bus type vehicle, the assembly comprising:

a mirror element;

a mirror pole;

the mirror element being affixed to the mirror pole;

a mirror mount for connecting the mirror pole to a front fender of the bus type vehicle; and

the mirror element having a convex, generally dome shaped and contiguous mirror surface surrounded by a peripheral edge, the mirror surface proceeding in said vertical direction from an uppermost position to a lowermost vertical position along a convex periphery which faces toward the vehicle on which the mirror is mounted, a portion of the surface which comprises no more than one-half of the surface taken in the vertical direction, beginning from the uppermost position on the mirror surface, being treated to reduce glare without rendering the treated surface opaque as to be non-reflective.

APPENDIX B

VERSION WITH MARKINGS TO SHOW CHANGES MADE
37 C.F.R. § 1.121(b)(iii) AND (c)(ii)

CLAIMS:

1. A mirror assembly providing a wide angle field of view both in a horizontal and a vertical direction along the front and at least one side of a bus type vehicle, the assembly comprising:

a mirror element;

a mirror pole;

the mirror element being affixed to the mirror pole;

a mirror mount for connecting the mirror pole to a front fender of the bus type vehicle; and

the mirror element having a convex, generally dome shaped and contiguous mirror surface surrounded by a peripheral edge, the mirror surface proceeding in said vertical direction from an uppermost position to a lowermost vertical position along a convex periphery which faces toward the vehicle on which the mirror is mounted, a portion of the surface which comprises no more than one-half of the surface taken in the vertical direction, beginning from the uppermost position on the mirror surface, being treated to reduce glare without rendering the treated surface opaque as to be non-reflective.